

REMARKS

Presently, claims 1-10, 12-18, 60 and 62-93 are pending in the application. Independent claims 1, 60 and 79 have been amended to more particularly point out the present invention. Support for the amendments to independent claims 1, 60 and 79 may be found, for example, at page 13, line 20 – page 14, line 15 of the specification. Accordingly, no new matter has been added to the application by the foregoing amendments.

A description of the prior art references discussed herein may be found in Applicants' Amendment, filed August 22, 2005, which is incorporated herein by reference.

Prior Art Rejections – § 103(a)

The Examiner has rejected claims 1, 2, 7, 8, 10, 12-18 and 60 and 62-93 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,698,020 to Zigmond *et al.* (“Zigmond”) in view of U.S. Patent No. 6,119,098 to Guyot *et al.* (“Guyot”). The Examiner contends that Zigmond teaches all features of the claimed invention with the exception of a queue having an ordered list of advertisement resource locators (“ARLs”) and retrieving an ARL from the queue in accordance with the ordered list. The Examiner further contends that Guyot teaches these features, and concludes that it would have been obvious to modify Zigmond’s system to include a queue having an ordered list as taught by Guyot, resulting in Applicants’ claimed invention. In view of the foregoing amendments, Applicants respectfully traverse this rejection.

Independent claim 1, as amended, recites, in relevant part:

A method of selectively inserting advertisements into a programming stream at different receiving nodes of a communications network, said method comprising:

(a) transmitting the programming stream from a central location to one or more receiving nodes;

- (b) storing advertisements at a node of said network...;
- (c) storing one or more queues, each of said queues corresponding to a subset of said receiving nodes, said queues comprising an ordered list of advertisement resource locators (ARLs), each of said ARLs comprising data disclosing a location of a corresponding advertisement;
- (d) selling locations in said queues, wherein the sold locations at least partially determine the order of the ARLs in said ordered list;
- (e) determining, at each of said receiving nodes, one or more intervals in said programming stream within which advertisements may be inserted;
- (f) responsive to said determination, retrieving from said queue corresponding to said receiving node one of said ARLs in accordance with said ordered list...; and
- (g) inserting said advertisement corresponding to said retrieved ARL into said programming stream.... (emphasis added)

The combination of Zigmond and Guyot, even if proper, fails to teach or suggest all of the features of independent claim 1. Initially, Applicants respectfully disagree with the Examiner's assertion that Zigmond teaches "selling locations in said queues," as recited in independent claim 1. With respect to this feature, the Examiner points to column 8, lines 22-29 of Zigmond (see page 3 of the Office Action). However, this passage of Zigmond states:

In another embodiment, a third party advertisement content provider makes the advertisements available to the advertisement source 62 and the ad insertion device 60. In this case, the third party advertisement content provider typically contracts with the advertisers to provide a predetermined type or number of advertisement exposures for the advertisers.

This portion of Zigmond does not teach or suggest that locations in the queues are sold to advertisers. That is, Zigmond merely teaches that there may be a contractual relationship between the content provider and the advertisers, such that the advertisers have an agreed-upon number of advertisement opportunities for their ads, or that advertisers pay an agreed-upon price to display their ads, or that the advertiser's ads are

displayed during a particular time period. In traditional ad display schemes (such as Zigmond), it is the particular ad space that is sold to advertisers. However, such a teaching does not mean that specific locations in the queues are sold to advertisers. That is, in Applicants' invention, locations in the queues are sold, thereby enabling advertisers to purchase the advertising rights to one or more particular locations (that are independent of time or program content) within the ordered list of a queue, as shown, for example, in Figs. 5A and 5B of the present application.

Moreover, independent claim 1 has been amended to recite that "the sold locations at least partially determine the order of the ARLs in said ordered list." That is, in Applicants' invention, the order in which the ARLs (or advertisements) are arranged within the queue is partially dependent on which particular location in the queue was sold for that advertisement. Zigmond does not teach or suggest such a concept. As such, Zigmond does not teach or suggest the features of independent claim 1 as contended by the Examiner.

Similarly, Guyot also does not teach or suggest "selling locations in said queues, wherein the sold locations at least partially determine the order of the ARLs in said ordered list." Although Guyot teaches a queue of targeted ads that specifies (to some degree) the order in which those ads are displayed to the user, there is no teaching in Guyot that any of the locations in the queue are sold to advertisers. Rather, similar to Zigmond, Guyot teaches that advertisements include certain criteria, such as the number of times an advertisement may be displayed, certain time periods during which an ad may be displayed, or whether an ad is a "screen saver" ad. In Guyot, advertisers are billed based on advertisements that are displayed to users. Thus, Guyot does not teach or suggest that specific locations in the advertisement queues are sold to advertisers. Guyot therefore, does also not teach or suggest that "the sold locations at least partially determine the order of the ARLs in said ordered list," as recited in independent claim 1.

Accordingly, the combination of Zigmond and Guyot, even if proper, fails to teach or suggest all of the features of claim 1 as suggested by the Examiner. More specifically, the combination of Zigmond and Guyot does not teach or suggest "selling locations in said queues, wherein the sold locations at least partially determine the order

of the ARLs in said ordered list.” That is, as discussed above, since neither of the applied references teaches this feature, the combination of Zigmond and Guyot is also lacking at least this feature.

Moreover, Applicants respectfully submit that there would be no motivation for one skilled in the art to combine the teachings of Guyot with the system taught by Zigmond. That is, the targeted advertisements in Guyot are not inserted into any type of program stream, whereas Zigmond’s system inserts advertisements into program streams. Furthermore, there is no objective teaching in either Zigmond or Guyot that would suggest the combinability of these two references. Accordingly, independent claim 1 is believed to be allowable over the proposed combination of Zigmond and Guyot.

Independent claims 60 and 79 recite the steps of “selling locations in the queues, wherein the sold locations at least partially determine the ordered list of the advertisements within the queues.” For the same reasons discussed above with respect to independent claim 1, the combination of Zigmond and Guyot does not teach or suggest all of the elements of independent claims 60 and 79. Accordingly, independent claims 60 and 79 are believed to be allowable over Zigmond and Guyot, both individually and in combination.

Dependent claims 2, 7, 8, 10, 12-18, 62-78 and 80-93 are allowable at least by their dependency on independent claims 1, 60 and 79, respectively. Reconsideration and withdrawal of the Examiner’s section 103(a) rejection of claims 1, 2, 7, 8, 10, 12-18, 60 and 62-93 over Zigmond in view of Guyot are respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the Examiner's rejections have been overcome, and that the application, including claims 1-10, 12-18, 60 and 62-93, is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

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